

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JEROME DAMASCO, individually and on behalf of a class of similarly situated individuals,)	
)	
<i>Plaintiff,</i>)	No. 10-CV-03063
)	
v.)	
)	Hon. James B. Zagel
CLEARWIRE CORPORATION, a)	
Delaware Corporation.)	
)	
<i>Defendant.</i>)	

NOTICE OF APPEAL

Pursuant to Federal Rules of Appellate Procedure 3 and 4, and consistent with 28 U.S.C. § 1291, notice is hereby given that Plaintiff Jerome Damasco appeals to the United States Court of Appeals for the Seventh Circuit the December 3, 2010, Order of the District Court for the Northern District of Illinois that denied Plaintiff's Motion to Reconsider the district court's September 2, 2010 Order. Plaintiff also appeals the September 2, 2010, Memorandum Opinion and Order that granted Defendant's Motion to Dismiss, in accordance with *In re Grabill Corp.* 983 F.2d 773, 775-76 (7th Cir. 1993) ("An appeal from a final judgment brings up for review by the appellate court all orders (except those that have become moot) rendered by the trial court previously in the litigation.")

Dated: December 22, 2010

Respectfully submitted,

JEROME DAMASCO

By: /s/ Michael J. McMorrow

One of the attorneys for Plaintiff
JEROME DAMASCO

Michael J. McMorrow
Ryan D. Andrews
EDELSON MCGUIRE, LLC
350 North LaSalle Street
Suite 1300
Chicago, Illinois 60654
Tel.: (312) 589-6370
Fax: (312) 589-6378

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he caused to be served and filed Plaintiff's *Notice of Appeal* electronically with the Clerk of the Court of Illinois, Northern District, Eastern Division, 219 South Dearborn Street, Chicago, Illinois and the same being accomplished via ECF this **December 22, 2010**, on:

Bart T. Murphy # 6181178
Thomas J. Hayes
Ice Miller LLP
2300 Cabot Dr., Ste. 455
Lisle, IL 60532

Joan Ritchey
Ice Miller LLP
200 W. Madison, Ste. 3500
Chicago, IL 60606

/s/ Michael J. McMorrow